

REMARKS/ARGUMENTS

This paper is submitted in response to the Final Office Action mailed July 27, 2006. By this amendment, claims 12, 15-23, and 25-28 have been amended, and claims 14 and 24 have been canceled. Entry of this amendment is respectfully submitted proper under 37 CFR 1.116, because, as will be explained below, the amendment places the application in condition for allowance.

The undersigned Attorney, on behalf of the Applicant, expresses appreciation to Examiner Tran for the courteous and helpful telephonic interview of August 7, 2006, the substance of which is summarized below.

Claims 10-12 and 14-28 were examined and rejected. Claims 14-19 and 24-28 were nevertheless held to define allowable subject matter.

Claims 10-12 and 14-28 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection was discussed in the aforementioned telephonic interview with the undersigned Attorney on August 7, 2006. In the interview, Examiner Tran helpfully suggested that this rejection could be overcome by amending claim 12 to define the invention, in the preamble of the claims, as a “bracket assembly for use with an equipment rack,” and by further amending claim 12 to define each of the pins as “being adapted to be disposed” in a corresponding rail aperture. The Examiner also suggested that claim 21 be amended to define the rail engagement element as “being configured for entry” into the aperture. Claims 12 and 21 have been amended accordingly, and claim 15 has also been amended, as suggested in the Final Office Action, to recite “another” second right angle flange. Accordingly, it is respectfully submitted that the rejection under Section 112 of the Statute is now overcome.

Claims 10-12 and 20-23 were rejected under 35 U.S.C. §103(a) as unpatentable over US 6,659,577 – Lauchner in view of US 6,948,691 – Brock et al. Claims 14 and 24 were, however, ruled to define allowable subject matter, as mentioned above. Accordingly, claim 12 has been amended to incorporate the allowable subject matter of claim 14, while claim 21 has been amended to incorporate the allowable subject matter of claim 24. Therefore, it is respectfully submitted that claims 12 and 21, as amended, define patentably over the art of record, as do the remaining dependent claims (claims 10, 11, 15-20, 22, 23, and 25-28).

In summary, it is respectfully submitted that claims 10-12, and 15-23, and 25-28, as amended, define patentably over the art of record, and should therefore be allowed. Because the claims as amended, should now be allowable, and because the application is now in condition for allowance, entry of this amendment under 37 CFR 1.116 is respectfully submitted to be proper, and is therefore respectfully requested. Passage of the application to issue is therefore earnestly solicited.

Should there be any further issues remaining in the application, the Examiner is respectfully requested to telephone the undersigned attorney to expedite the prosecution of the application to issue.

Respectfully submitted,

Date: Nov. 14, 2006



HOWARD J. KLEIN
Registration No. 28,727

Klein, O'Neill & Singh, LLP (Customer No.: 22145)
43 Corporate Park, Suite 204
Irvine CA 92606

Tel: (949) 955-1920
Fax: (949) 955 1921
Email: hjklein@koslaw.com
Attorney Docket No. 716-01-PA